

**VIRGINIA BOARD OF DENTISTRY  
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE  
August 21, 2009**

**TIME AND PLACE:** The meeting of the Regulatory/Legislative Committee of the Board of Dentistry was called to order at 9:00 A.M. on August 21, 2009 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

**PRESIDING:** Jeffrey Levin, D.D.S., Chair

**MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.  
Myra Howard  
Robert B. Hall, Jr., D.D.S.

**OTHER BOARD MEMBERS PRESENT:** None

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Huong Vu, Administrative Assistant  
Alan Heaberlin, Deputy Executive Director

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions

**ESTABLISHMENT OF A QUORUM:** All members of the Committee were present.

**PUBLIC COMMENT:** **Michele Satterlund** of Virginia Associate Nurse Anesthetist commented that on page 7 of the Draft Guidance Document on Administering and Monitoring, item number 13, the term “certified anesthesia assistant” should be changed to “dental anesthesia assistant” because anesthesia assistant is not licensed in Virginia. Dr. Levin thanks Ms. Satterlund for her input and stated that the Committee will take it into consideration.

**Nancy Daniel** of J. Sargeant Reynolds Community College asked the Committee once again to require work experience in restorative dentistry for dental assistant II certification. She stated that it is critical to success. In regards to the Chart on Permissible Delegation of Duties, Ms. Daniel commented that it does not mention the placing of bonding for composite. She asked that the Committee may want to add bonding for composite. Dr. Levin thanked Ms. Daniel for her suggestion and stated that the Committee will take it into consideration.

## **MINUTES:**

Dr. Levin asked if the Committee had reviewed the minutes of the April 22, 2009 meeting. Dr. Hall asked for clarification on top of page 3 of the minutes where it stated "Ms. Yeatts asked if the Committee would like to double the hours as the minimum requirement for clinical experience." Dr. Hall wanted to know if this meant doubling the hours of laboratory training. Ms. Yeatts stated that page 20 of the agenda is the listing of the doubling hours of laboratory training. Ms. Reen clarified that the wording should be "to double the number of laboratory hours as the minimum requirements for clinical experience. Dr. Hall moved to accept the amended April 22, 2009 minutes. The motion was seconded and passed.

## **STATUS REPORT ON REGULATORY ACTIONS:**

Ms. Reen commented that the Regulatory-Legislative Committee is still in the process of reviewing the Regulations. Dr. Levin asked that Ms. Yeatts to walk the Committee through the status of regulatory actions.

**Dental Assistant Regulations** – Ms. Yeatts reported that the dental assistant regulation is at the proposed stage. Ms. Reen asked that the Committee likes to advance the Amendment to Dental Assistant Regulations and take it to the Board in September meeting. Dr. Hall moved to take the Amendment to Dental Assistant Regulations to the September Board meeting. The motion was seconded and passed.

**Mobile Dental Clinics Regulations** – Ms. Yeatts reported this regulation is in emergency status and at the Secretary's office for review.

**Recovery of Disciplinary Costs** – Ms. Yeatts reported that it is at the Governor's office.

## **CHART ON PERMISSIBLE DELEGATION OF DUTIES:**

Dr. Levin commented that the Committee has read and has taken into consideration all of the Townhall public comments when developing this chart.

Ms. Reen added that what dental assistants are currently doing is not reflected on this chart. She advised the Committee to make sure that these duties are clear and accurate before making changes to this chart. She also advised the Committee to send this chart out to the public and interested parties for input. Dr. Levin agreed.

After discussion, the following changes were made to the chart:

- Restorative and Adjuvant Services – adding apply primer and bonding
- Anesthesia Services – item #1 should state “Apply topical **Schedule VI** anesthetic”
- Hygiene – item #6 is stricken
- Bleaching – item # 4 is a **Yes** for Dental Assistants I and Dental Assistants II under Indirect Supervision

Dr. Hall moved to approve the amended chart. The motion was seconded and passed.

**DRAFT GUIDANCE  
DOCUMENT ON  
ADMINISTERING AND  
MONITORING:**

Ms. Reen noted that this draft of the guidance document represents what the law currently permitted. She went on to say that this guidance document reflects the discussions held with the Executive Director of the Board of Nursing and Mr. Casway to explain what monitoring and administering meant, what dental assistant can do, and what nurses can do in dental offices. Ms. Reen stated that this is still a discussion draft.

Mr. Casway noted that currently the Regulations do not make clear distinction. He advised that the Committee needs to go over the guidance document paragraph by paragraph with the intention to make clear distinction.

After much discussion, the following amended changes were made:

Administration

6a – “a dentist not qualified to administer conscious sedation **shall only** use the services of an anesthesiologist in **dental office** to administer conscious sedation. **In an Outpatient Surgery Center or hospital, a dentist not qualified to administer conscious sedation shall use an anesthesiologist or certified registered nurse anesthetist to administer conscious sedation**”

7a – “A dentist not qualified to administer deep sedation/general anesthesia **shall only** use the services of an anesthesiologist **in a dental office** to administer deep sedation/general anesthesia. **In an Outpatient Surgery Center or hospital, a dentist not qualified to administer conscious sedation shall use an anesthesiologist or certified registered nurse anesthetist to administer deep sedation/general anesthesia**”

No other change was made. Ms. Pace moved to take the guidance document to the September Board meeting as amended. The motion was seconded and passed.

**PERIODIC REVIEW OF  
REGULATIONS:**

**Mark-up of Parts I, II and III** – Ms. Reen noted that this process is still internal with the Committee. She stated that she has taken comments from Committee members to assist with putting together this document. She stated that this document reflects what the Committee has done and where the Committee wants to go. She advised Committee members to review it thoroughly.

**Chart on Part IV, Anesthesia, Sedation and Analgesia** – Ms. Reen noted that this section needs to be retitled. She asked Committee members to think about any additional concerns or considerations that need to be added while reviewing this part. Dr. Levin said that he will start the process and then the rest of the Committee members will follow alphabetically.

**NEXT MEETING:**

Dr. Levin asked about dates for scheduling the next meeting. It was agreed the Committee would meet again at 9:00 am on Friday, October 23, 2009.

**ADJOURNMENT:**

Dr. Levin adjourned the meeting at 11:30 a.m.

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Jeffrey Levin, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date